IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1136 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE D.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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HEIRS OF DECD. LILARAM BASARMAL RAMCHANDANI
Versus
GORDHANDAS BASARMAL RAMCHANDANI

Appearance:
1. Civil Revision Application No. 1136 of 2000
MR AJAY R MEHTA for Petitioner No. 1-1/4
MR CJ VIN for Respondent No. 1

CORAM : MR.JUSTICE D.K.TRIVEDI

Date of decision: 01/05/2002

ORAL JUDGEMENT

Rule. Mr. Vin, learned advocate for the respondent waives service of Rule on behalf of the respondent. By consent, Rule is fixed forthwith. Heard Mr. Mehta, learned advocate for the petitioner original defendant and Mr. Vin, learned advocate for the respondent original plaintiff.

2. During the hearing, I was taken through the order under challenge passed by the learned Appellate Judge in Misc. Civil Appeal No. 8 of 2000, wherein, the learned Appellate Judge has on examining the order passed by the learned trial Judge below application Ex.5 had allowed the appeal filed by the original plaintiff and the learned Appellate Judge has set aside the order passed below application Ex.5 dated 10th December, 1999 and the order passed below Ex. 5 at initial stage on 18.5.1998 is extended till final disposal of the suit. It is this order under challenge before this Court.

3. As found from the record, while issuing notice to the respondents, the petitioner was protected in terms of prayer clause 14 (B), meaning thereby, the order passed by the appellate Court in Appeal No. 8 of 2000 was stayed. The notice was made returnable on 6th December, 2000. Though, the matter was notified from time to time, the same could not reach for hearing and every time the interim relief, which was granted earlier to continue till further order. When the matter was listed before me, I have heard the learned counsel for the parties. In view of the fact that the application Ex. 5 filed by the respondent plaintiff was rejected by the learned trial Judge and it is only the appellate Court has set aside the order below Application Ex.5 and granted relief in favour of the respondent - plaintiff till the out come of the suit. When the petitioner defendant has challenged that order in the present revision application, this court has while issuing notice has stayed the order. Accordingly, at no point of time injunction was in operation against the petitioner.

4. Accordingly, without expressing anything on the contentions raised before me and without going into the order passed by the learned trial Judge, it will be in the fitness of think to direct the learned trial Judge (JD) Dahod to dispose of the suit filed by the respondent being R.C.S. No. 98/98 as expeditiously as possible in accordance with law. Accordingly, learned trial Judge is directed to dispose of the suit being R.C.S. No. 98/98 as expeditiously as possible not later then 31st October, 2002 in accordance with law without influencing the observations made by this court as well as courts below. Parties are also directed to give cooperation to the learned trial Judge to dispose of the suit as expeditiously as possible within the time limit. With this observation, Civil Revision Application is disposed of. Rule is made absolute in above terms with no costs. There is no injunction.

(D.K.Trivedi,J.)

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